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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,305	02/24/2004	TIEK-NYEN LEE	ACMP0066USA	2304
27765	7590	12/20/2005	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			MARSH, STEVEN M	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 12/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/708,305	Applicant(s) LEE, TIEK-NYEN	
	Examiner Steven M. Marsh	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the first office action for U.S. Application 10/708,305 for a Probe Holder filed on February 24, 2004.

#### ***Claim Objections***

Claims 5 and 14 are objected to because of the following informalities: In claim 5, the word "being" should be deleted and replaced with - - is - - . In claim 14, the word "being" in lines 4 and 5 should be deleted and replaced with - - is - - . Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,716,307 to Hansen. Hansen discloses a holder that can hold a test probe, with a body (12 or 14), an air inlet (16) positioned on the body, a first airway (at 20) embedded in the body and connected to the air inlet at a first opening (22) of the first airway, and a second airway (24) embedded in the body and connected to a second opening of the first airway at a fourth opening of the second airway. There is a vacuum cup (30) positioned on the body and connected to a fifth opening (26) of the second

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airway, the vacuum cup being adapted for contacting a surface to provide suction at the surface. There is an air outlet (18 or 52) positioned on the body and connected to a third opening of the first airway for venting the airflow, and a holding portion (12 or 14) installed on the body that can hold a test probe. The second airway is connected to the first airway with an angle such that the air flow through the first airway generates a low pressure condition in the second airway and in the vacuum cup and the angle of the second airway to a direction of the air flow through the first airway flowing past the second airway is equal to 90 degrees. The airways are tubes and an inner diameter of the air inlet is larger than an inner diameter of the first airway. An inner diameter of the second airway is smaller than an inner diameter of the first airway and the air outlet is capable of being blocked by a finger to modify outflow of the airflow from the outlet. There is an outlet actuator (62 or 64) installed on the air outlet and the body is made of a non-metallic, non-magnetic material. The holding portion also has a receiving space in the body (at 38 or at 56). The first airway extends along a first axis and the second airway extends along a second axis, the second airway communicating with the first airway through a midpoint formed between the air inlet and the air outlet.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,666,420 B1 to Carnevali

U.S. Patent 6,942,190 B1 to Lu

U.S. Patent 4,184,292 to DeFazio et al.

U.S. Patent 4,858,976 to Stoll

U.S. Patent 5,820,800 to Nagai et al.

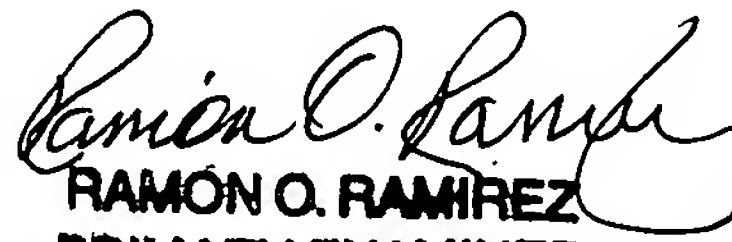
The above patents all disclose various tripod and stand arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

*SM*

Steven M. Marsh

December 9, 2005

  
RAMÓN O. RAMÍREZ  
PRIMARY EXAMINER